

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JACK B. HERNDON and
RUTH A. HERNDON, Husband
and Wife, and RUTH GORDON

PLAINTIFFS

v.

Case No. 05-6007

UNITED BILT HOMES, INC.

DEFENDANT

ORDER

Now before this Court is the Motion to Dismiss filed by Defendant (Doc. 12) and supporting brief (Doc. 13). By this Court's Order of March 1, 2005, all proceedings in this action were stayed pending completion of arbitration by the parties (Doc. 9). On January 12, 2007, this Court permitted Plaintiffs' counsel to withdraw and provided Plaintiffs thirty (30) days to retain counsel or to advise the Court that they intended to proceed *pro se*. The Court further advised Plaintiffs that failure to comply might result in the dismissal of their action.

Plaintiffs have failed to comply with the Court's order, and further, it appears Plaintiffs have made no attempt to resolve this action through arbitration as ordered by the Court. Accordingly, the Court finds that Defendant's Motion should be GRANTED and this case is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 1st day of March 2007.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge